

EXHIBIT 10

NETWORK DEPOSITION SERVICES
Transcript of Jonathan Marks

1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3 - - -
4 DONALD J. TRUMP FOR)
 PRESIDENT, INC., et al.,)
5))
 Plaintiffs,)
6))
 vs.)No.
7)2:20-cv-966-RN
 KATHY BOOCKVAR, et al.,)
8))
 Defendants.)

9 - - -
10 Videotape Video Conference Deposition of
11 JONATHAN MARKS

12 Wednesday, August 19, 2020

13 - - -
14 The videotape video conference deposition of
15 JONATHAN MARKS, called as a witness by the plaintiffs,
16 pursuant to notice and the Federal Rules of Civil
17 Procedure pertaining to the taking of depositions,
18 taken before me, the undersigned, Lance E. Hannaford,
 Notary Public in and for the Commonwealth of
 Pennsylvania, at 2568 Aldon Drive, Sewickley,
 Pennsylvania 15143, commencing at 9:15 o'clock a.m.,
 the day and date above set forth.

19 - - -
20 NETWORK DEPOSITION SERVICES
 SUITE 1101, GULF TOWER
21 PITTSBURGH, PENNSYLVANIA
 866-565-1929

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1 don't know whether I would characterize it as
2 preferred. But it was certainly, historically, the
3 most common method throughout the Commonwealth's
4 history until the past few decades.

5 Q Isn't it also true in-person voting is a
6 more secure method to cast one's ballot?

7 MR. BRIER: Objection. Are you referring
8 to something in the code, that you want him to
9 look at? Or are you asking him an opinion?

10 Q You can answer the question.

11 MR. BRIER: Objection.

12 A My opinion is that in-person voting -- I
13 don't know they would again characterize it as more or
14 less secure. But it certainly has more elements of
15 sort of chain of custody. Meaning that a person is
16 appearing in person at a polling place. And they are
17 seen -- not necessarily seen casting their ballot.
18 But seen in the act of voting.

19 Q Ray, you can take down the exhibit.

20 Mr. Marks, when one votes in person, the
21 elector is required to sign his or her name in the
22 presence of the election officers, and the election
23 officers are required to compare that signature to the
24 signature on file in the voter registration books.

25 Correct?

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1 A Okay. I think there is some context that
2 might be missed. We will start with bullet 3.

3 Q It says, quote, "Montour County has in the
4 past allowed a nursing home representative to both
5 pick up applications and deliver voted ballots. Past
6 practice has also been to allow spouses to deliver a
7 voted ballot back to the board of elections. Montour
8 County is considering whether to change this practice
9 for the November 3rd, 2020 general election."

10 Did I read that correctly?

11 A You did, yes.

12 Q Were you aware of the fact Montour County
13 has since 2004 allowed spouses to deliver voted
14 ballots?

15 MR. BRIER: Objection to form. Where does
16 it say since 2004? Note my objection. You can
17 answer.

18 A Yes. It doesn't specify how long in the
19 past. But yes, it appears that the county has allowed
20 spouses to deliver ballots. I don't know -- I'm
21 scanning through the bullets here. I don't know if
22 there is additional context about whether those
23 spouses are voters with disabilities or not.

24 Q The question that was asked was the third
25 party delivery of non-disabled voters' ballots.

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1 Correct?

2 A Right. Yes. Assuming they answered it
3 accurately with that in mind, it appears they allowed
4 spouses to deliver ballots. Again, there is really no
5 time frame or any kind of idea of the volume or how
6 long this practice has been in place.

7 Q Well, as Deputy Secretary have you ever
8 asked Montour County about whether they have barred
9 third party delivery of absentee ballots and mail-in
10 ballots?

11 A Well, we provided guidance that third party
12 delivery with the exception of ballots from voters
13 with disabilities is barred. I believe we cited the
14 Supreme Court decision that we reviewed earlier.

15 And we did ask counties in the context of
16 our Act 35 report whether there was -- whether ballots
17 were delivered in a method other than those authorized
18 by the statute.

19 I don't recall -- I know there were some
20 counties who indicated that people attempted to
21 deliver ballots on behalf of other voters. I can't
22 recall what county is one of them.

23 Q Montour County also says they allowed
24 nursing home administrator to deliver voter ballots.
25 Correct?

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1 A Yes. If it is not the voter's own ballot,
2 then yes, I would not instruct that individual to
3 insert that in the mailbox.

4 Q As you understand it, the Supreme Court was
5 quite clear in 2004 that third party delivery, whether
6 to the mailbox or to the county election office, is
7 not permitted. Correct?

8 A That's correct. Yes.

9 Q Let me show you what we marked as Exhibit
10 9.

11 A Again, the court did carve out exceptions
12 for voters with disabilities.

13 Q Right. My question was non-disabled
14 voters.

15 A Correct.

16 Q I will show you what has been marked
17 Exhibit 9.

18 (Thereupon, Exhibit No. 9 was marked for
19 identification.)

20 Q Ray, if you could pull up JM13, please?

21 Mr. Marks, showing you what has been marked
22 Exhibit 9. This is a set of answers by the defendant
23 Columbia County board of elections to the
24 interrogatories filed in this case. Have you ever
25 seen this document before?

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1 both appear to be ballot envelopes. Yes.

2 Q He goes on to say "Doing my civic duty and
3 dropping off my votes," plural, "in a designated
4 ballot drop box in front of city hall."

5 Did I read that correctly?

6 A I'm sorry, I'm missing that.

7 Q Right below the photograph it says "doing
8 my civic duty and dropping off my votes in a
9 designated ballot drop box in front of city hall."

10 A Yes. I see that.

11 Q And the particular box that Philadelphia
12 was using actually looks like a mailbox. Correct?

13 A Yes. Very much looks like a mailbox.

14 Q There is nothing that stops a voter or any
15 person from dropping off more than one ballot at the
16 time -- at a time. Correct?

17 A Just like a mailbox, there is nothing that
18 physically prevents someone from dropping off more
19 than one.

20 Q There is also nothing with regard to a drop
21 box, at least with regard to these drop boxes that
22 were being used by the county, that required the
23 person, whenever they are dropping off their ballot,
24 in order to access the box to enter into any type of
25 voter specific code. Correct?

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1 that discussion.

2 Q Do you agree with Ms. Schaefer's
3 understanding there were different interpretations
4 among the county as to the use of drop boxes?

5 A Yes. That is my understanding, that
6 different counties had different interpretations of
7 that.

8 Q Do you also agree with Ms. Schaefer's
9 understanding that there were different
10 interpretations regarding the treatment of mail-in
11 ballots that were received without secrecy envelopes?

12 A Yes.

13 Q Going to the next page of the exhibit Bates
14 stamped PADOS234. This was a copy of the meeting
15 agenda for the elections reform committee that was to
16 take place on July 14, 2020. Is that correct?

17 A That's correct. Yes.

18 Q According to the agenda, there is a line
19 item that talks about the lawsuit that my clients have
20 filed. Correct?

21 A Correct.

22 Q And again, the agenda reflects that, quote,
23 "In reviewing the complaint, in discussing the matter
24 with the CCAP board, it became clear counties took a
25 variety of different positions with regard to the

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1 executive board, which is made up of I forget how many
2 members. The county commissioners who serve as
3 members on the executive board. So I'm not sure -- I
4 don't know the answer to the question. If she is not
5 referring to the elections reform committee, I don't
6 know that she is.

7 MR. BRIER: You don't know.

8 THE WITNESS: I don't know.

9 Q Following the agenda, then, there is a
10 document called "comments from Forrest Lehman,"
11 correct?

12 A That's correct. Yes.

13 Q And Mr. Lehman is the executive director --
14 the elections director for Lycoming County. Correct?

15 A He is. Yes.

16 Q And in the first paragraph of his comments
17 he refers to drop boxes. Correct?

18 A Yes. Paragraph 1, he does.

19 Q And the first comment he makes about drop
20 boxes is he said, quote, "It would be nice to have
21 clarity on the question of whether drop boxes are
22 permitted. I would prefer clarity from the
23 GA, General Assembly, but a court will do." Did I
24 read that correctly?

25 A You did. Yes.

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1 Q He then goes on to talk about aside from
2 the legality of the drop boxes, there are more, quote,
3 "troubling logistical problems posed by drop boxes."

4 Did I read that correctly?

5 A You did. Yes.

6 Q Part of those troubling logistical problems
7 that he raises was how was a county to keep a drop box
8 secure but accessible by voters. Correct?

9 A Correct. Yes.

10 Q He also talks about drop boxes could be a
11 target for political sabotage or mean-spirited
12 vandalism. Correct?

13 A That's correct. Yes.

14 Q He, in fact, references someone could pour
15 water into a drop box and ruin the ballots inside. He
16 also suggests bodily fluids, gasoline and a lit match.
17 Correct?

18 A Correct.

19 Q He even comments on the fact you can have
20 them monitored by a camera, but that isn't going to
21 stop the fact the ballots have gotten destroyed.
22 Correct?

23 A Yes. That appears to be his proposition
24 there.

25 Q He also suggests there is a problem with

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1 where to locate them, and how you make that decision,
2 whether it is based on geographical, political, racial
3 representation, urban versus rural, et cetera.

4 Correct?

5 A Yes. Correct.

6 Q And has anybody at the Department of State
7 ever taken a look at these concerns that were raised
8 by Mr. Lehman?

9 MR. BRIER: Let me just state an objection.

10 I think the witness testified that there is
11 nobody in the Department involved in this
12 meeting. And the witness did not author this
13 document.

14 Q Objection is noted. You can answer my
15 question.

16 A I don't know that -- these are a lot of
17 hypotheticals that are outlined here in this first
18 paragraph. Some more plausible than others. But we
19 have certainly learned lessons from the primary. We
20 also listened to concerns expressed to us by county
21 elected directors and are updating our guidance
22 accordingly.

23 Q Well, has the Department of State, as we
24 sit here today, issued any guidances to address any of
25 the concerns Mr. Lehman has raised regarding drop

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1 Q Would you agree with me this list has been
2 removed from the Department of State website.
3 Correct?

4 A That's correct. It is no longer relevant.

5 Q With regard to, for example, Allegheny
6 County, they maintain their drop box in the office
7 where the county election department is located.
8 Correct?

9 A Yes.

10 Q And that is the same, also, for Bedford and
11 Bucks. Correct?

12 A Correct. Yes.

13 Q Chester, on the other hand, had drop boxes
14 in locations where their county board of election
15 office was not located. Correct?

16 MR. BRIER: Objection.

17 A Well, I will say Bedford, it has Bedford
18 County courthouse, but it appears it was actually at
19 or in the entrance of the parking garage next to the
20 courthouse.

21 But yes, Chester has a number of locations.
22 One being at their government services center. One
23 being at a public safety training campus.

24 Q Others, looks like three of them -- one was
25 in a parking lot. Correct? Two of them -- one was at

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1 Longwood Garden south parking lot. Correct?

2 A Correct. Yes.

3 Q Another one was at --

4 A It appears that the one with Gardens, it
5 appears it is actually at a test site greeter station,
6 which would be I would imagine a small building at the
7 parking lot.

8 Q Then there was also one at the Battle of
9 the Clouds parking lot. Correct?

10 A Correct. Yes.

11 Q So Bedford had theirs in a parking lot.
12 Correct?

13 MR. BRIER: Objection.

14 A It says -- Bedford County says parking
15 garage - second floor near courthouse entrance. It
16 appears it was inside of a parking garage attached to
17 the courthouse.

18 Q That particular one was one that was
19 accessible 24-7 according to the Pennsylvania
20 Department --

21 A Yes. According to the list, yes.

22 Q Whereas, Allegheny County is only
23 accessible during business hours, correct, or certain
24 designated hours, correct?

25 A Correct. Yes.

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1 Q Bucks County only had theirs available
2 three days from 7:00 a.m. to 7:00 p.m. Correct?

3 A Yes. That appears to be the case.

4 Q And Chester County also had time
5 limitations on when their particular drop boxes were
6 available. Correct?

7 A Correct. I'm sorry, that is not correct.
8 The first one in reading this, the one at the county
9 government services center was 24-7. The other
10 locations have specific hours.

11 Q Clinton County had its drop box right
12 outside its elections office, correct?

13 A You said Clinton County?

14 Q Yes.

15 A Yes.

16 Q It indicates it was available 24-7.
17 Correct?

18 A Correct.

19 Q Are you aware whether or not Clinton County
20 had someone watching that box the entire time? 24
21 hours, seven days a week?

22 A I do not know. No.

23 Q Luzerne indicates that they had a drop box
24 in Wilkes-Barre Penn Place, 2 North Pennsylvania
25 Avenue, correct?

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1 A Yes. At Penn Place. In Wilkes-Barre.

2 Yes.

3 Q That is not the county board of election
4 office. Correct?

5 A I would have to -- I would have to check.
6 But I don't believe that is where their county
7 election office is located.

8 MR. BRIER: I actually believe that is
9 where it is located. I have been there.

10 Q In addition they indicate they had two drop
11 box counters both at post offices. Correct?

12 A Yes. That appears to be the indication
13 here. Hazleton and Wilkes-Barre post offices.

14 Q Do you know whether or not those drop off
15 counters were manned by anybody from the county board
16 of elections?

17 A If they were staffed around the clock or
18 during business hours for the post office, I don't
19 know that.

20 Q Taking a look at Montgomery County, is
21 there, in any of the ten addresses that they identify
22 where they place drop boxes, the address for the
23 Montgomery County board of election?

24 A The Swede Street address in Norristown
25 sounds familiar. It may be. I don't know if that is

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1 where their main office is. But I believe that is one
2 of their county offices.

3 Q What about at Montgomery County community
4 connections office, is that a county board of election
5 office?

6 A It may be a county facility.

7 Q It's not the county board of election
8 office, is it?

9 A I don't know it is the main county board of
10 election office. I don't know whether there are other
11 county offices inside there other than what is listed
12 in the name.

13 Q What about Green Lane Park, is that an
14 office for county board of election?

15 A I would -- I don't know. I would expect it
16 is not.

17 Q What about Spring Mill Fire Company, is
18 that an office of a county board of election?

19 A No. That would be a fire hall as I
20 understand it.

21 Q What about Wall Park on 600 Church Road, is
22 that a county board of election office for Montgomery
23 County?

24 A I don't believe so, no.

25 Q Go down to Philadelphia. You see a number

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1 of both mobile dropoff locations as well as dropoff
2 offices, correct?

3 A Correct, yes.

4 Q When did Department of State learn that
5 Philadelphia was doing mobile dropoff locations?

6 A It was some time after the May I believe
7 24th email regarding the drop box at city hall.

8 Q Would you agree with me this list wasn't
9 posted on the Pennsylvania Department of State website
10 until some time after May 24th, after that
11 conversation?

12 A I don't know if the list was posted after
13 that. But I don't expect that the Philadelphia County
14 specific information at the bottom of this list would
15 have been posted prior to then.

16 Q According to the Philadelphia mobile
17 dropoff locations, there were ten mobile dropoff
18 locations, correct?

19 A Correct.

20 Q Those locations consisted of high schools,
21 shopping centers and a PLA center. Correct?

22 A Correct. As I understand it, this was a
23 mobile dropoff that would move from one location to
24 the other throughout the city at specific dates and
25 times.

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1 location for the city commissioner's office, yes.

2 Q If somebody wanted to return their ballot,
3 the address that would be -- that was imprinted on the
4 outside declaration envelope would be 520 North
5 Columbus Boulevard. Correct?

6 A I don't know if that is correct. I would
7 have to look at the envelope. I know some counties
8 actually have a P.O. Box that their mail goes to,
9 which may be different than the physical address. I
10 am not -- I don't recall if that was the case in
11 Philadelphia or not.

12 Q The other district offices where drop boxes
13 were located involved schools and libraries. Correct?

14 A Yes.

15 Q It shows three libraries, a couple schools,
16 and a rec center. Correct?

17 A Correct.

18 Q Also drop boxes were placed at elected
19 officials' district offices, correct?

20 A Yes.

21 Q And you understand under the election code
22 that if this was in-person voting, these types of
23 places would not be considered appropriate polling
24 places under the election code. Correct?

25 MR. BRIER: Objection.

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1 A Yes. If you are asking whether -- are you
2 talking about the entire list? Or are you talking
3 about the elected officials' district offices,
4 specifically?

5 Q Talking about specifically the election
6 officials' offices.

7 A That is correct. They could not serve as a
8 polling place.

9 Q In fact, it is expressly banned under the
10 election code to have a polling place at elected
11 officials' offices, correct?

12 A Correct.

13 Q It is also banned under the election code
14 to have elections or a polling place located in a
15 parking lot. Correct?

16 A I don't know that that is the case. I
17 think it is banned -- I think the term is vacant lot.
18 I don't know that I would consider a parking lot a
19 vacant lot.

20 Q Has Pennsylvania ever conducted an election
21 in a parking lot? Voting in a parking lot?

22 A I don't recall. I know the election code
23 does provide for the use of temporary polling places,
24 which could be staged in a parking lot. I don't
25 recall, I know Mercer County was looking at that in

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1 the June primary to address losing one of their senior
2 centers.

3 They were talking about using the military
4 grade tent or something and possibly staging it. But
5 as I recall, they found another suitable location.

6 Q You will agree with me a shopping center is
7 not a suitable polling place?

8 A I don't know that it is expressly
9 prohibited. Whether it is -- I guess it would depend
10 on the shopping center.

11 Q Is the list that has been marked here as
12 Exhibit 31 complete, does it represent all the
13 counties that used drop boxes during the June 2020
14 primary?

15 A It represents all of the counties that used
16 drop boxes, at least that we were aware of. Again, we
17 did direct outreach to counties to find out what their
18 intent was regarding drop boxes.

19 Q Are you aware of the fact that Fulton
20 County used a drop box?

21 A I don't recall whether they did or didn't.

22 Q Would you agree with me Fulton County is
23 not on your list that has been marked Exhibit 31?

24 A Yes. I agree it is not on this list.

25 Q Let me show you what we will mark as

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1 MR. BRIER: Objection to form.

2 A I think, yes, and I'm not aware of any
3 dictate from the General Assembly that prohibits
4 county board of elections from counting such a ballot.

5 Q Are you aware of the fact that in the 2020
6 primary Luzerne County had over 440 absentee or
7 mail-in ballots that were not counted because they
8 lack an inner secrecy envelope?

9 A I am not aware of what the final
10 disposition was. No.

11 Q Let's go back to JM12. Exhibit 8. The Act
12 35 report.

13 A Okay.

14 Q Take a look at there are a number of charts
15 that are provided in the Act 35 report. Correct?

16 A Correct.

17 Q If you look at page 10. We see that this
18 is a summary of the total mail-in and absentee ballots
19 cast in the 2020 primary election, broken down by
20 county. Correct?

21 A Correct.

22 Q Over in the right hand column, the second
23 down from the top is Lawrence County. Correct?

24 A Correct.

25 Q It shows that over 8,003 ballots were cast

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1 either by absentee or mail-in ballots in the June 2020
2 primary election. Correct?

3 A Correct.

4 Q Now, if we go back to or jump ahead to page
5 38, review of actions taken. Is there any mention on
6 pages 38 or 39 to the fact that Lawrence County had
7 voided over 440 ballots because of the inner secrecy
8 envelope issue?

9 A First of all, you said earlier Luzerne, not
10 Lawrence.

11 Q I apologize.

12 A We started off wrong. But I was aware the
13 county was in court shortly after the election because
14 of this apparent intention not to count that number of
15 ballots for that reason.

16 Q There was no cull out of that decision by
17 Lawrence County in this report. Correct?

18 A Correct. I am not aware that Lawrence
19 County provided any additional information in the
20 survey for this report.

21 Q You indicate in the report that -- you say
22 "The causes of the remaining errors or irregularities
23 include the following." You say, quote, "Human error
24 when inserting ballot materials into envelopes." Did
25 I read that correctly?

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1 A Where are you at right now?

2 Q Page 38.

3 MR. BRIER: What paragraph?

4 Q The fourth paragraph down. It has the
5 bullets. See the third bullet down says, quote,
6 "human error when inserting balloting material into
7 envelopes."

8 A Correct.

9 Q Was that intended to cover the situation
10 that occurred in Lawrence?

11 A I don't know -- no. This is -- the context
12 of this is the information we obtained regarding
13 ballots that were incorrectly sent. These occurred at
14 the county election office.

15 So for example, a person at the county
16 election office made an error, when they were
17 inserting the balloting materials into envelopes that
18 were to go out to voters.

19 Q Do you agree with me on page 38 and 39 you
20 make no mention of the 440 ballots that were not
21 counted in Lawrence County due to the lack of an inner
22 secrecy envelope?

23 MR. BRIER: Asked and answered. The
24 document speaks for itself. He told you the
25 court proceeding.

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1 A I am not. And it was not reported in
2 response to this Act 35 survey request to the county.

3 Q Do you agree with me that 440 ballots out
4 of 8,000 is a pretty high number to have inner secrecy
5 envelopes missing?

6 A It is a significant percentage of 8,000,
7 yes.

8 Q In fact, when you take a look at other
9 counties that had returned absentee ballots, if we go
10 back to page 10 of the report, we see, for example,
11 Allegheny County had over 213 ballots returned?

12 A I'm sorry, what page?

13 Q Page 10.

14 A You said 213 or 213,000?

15 Q 213,000.

16 A Okay. Yes.

17 Q Did you receive any reports from Allegheny
18 County that they had over 400 ballots that were
19 returned with inner secrecy envelopes missing?

20 A I don't recall receiving a report. I don't
21 recall that it was applied in the requests for the Act
22 35 report. In fact, I don't even recall that it was
23 information requested by Act 35.

24 Q Is there a reason why that information
25 wasn't requested?

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1 A Well, Act 35 identified what was to be
2 requested from the county election offices.

3 Q The county -- did the Pennsylvania
4 Department of Election ask for more information beyond
5 what was required under Act 35?

6 A We provided some more information, as I
7 recall, in this report, to provide context. I don't
8 believe that Act 35 asked for the number of registered
9 voters. But we provided that just for context. But
10 the content of the Act 35 report was outlined in Act
11 35. I don't know that that was even something that
12 was tested by Act 35 by the legislature.

13 Q You do mention that you -- did you receive
14 information from each of the county board of elections
15 via request by the liaison to each of their county
16 boards?

17 MR. BRIER: Objection.

18 A We received information based on the
19 elements that were required by Act 35. What I am
20 saying is that I don't recall that that was an element
21 that was required by Act 35. So that would probably
22 explain why counties didn't provide it.

23 To the extent we provided any additional
24 information beyond what was explicitly required in Act
25 35, I believe that was to provide context or to

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1 provide if a county reported something to us.

2 As I said, Act 35 outlined what was to be
3 in the Act 35 report.

4 Q And that information --

5 A I don't recall that being requested by Act
6 35.

7 Q Are you aware that the information that was
8 requested from the county board of elections was put
9 together in an Excel spreadsheet?

10 A I believe it was an online survey that
11 ultimately the data was imported into a spreadsheet.
12 Yes.

13 Q We sent to you what we will mark Exhibit
14 37.

15 (Thereupon, Exhibit No. 37 was marked for
16 identification.)

17 Q If you could pull up JM41.
18 It's an Excel spreadsheet.

19 MR. BRIER: I didn't get it yet.

20 MR. BRIER: We have it electronically.

21 Q Mr. Marks, are you familiar with the Excel
22 spreadsheet that has been marked collectively as
23 Exhibit 37?

24 MR. BRIER: I don't think it is 37.

25 Is it?

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1 Q Are you aware of any circumstance under
2 which an outer envelope containing two ballots could
3 possibly be considered a valid casted vote?

4 A Again, it's a hypothetical. I have to
5 understand the factual circumstances. Again, it's
6 within the discretion of the county board of election.
7 The county board of elections in this case appears --
8 it's the first I've seen it, appears to have looked at
9 this instance, and as a sort of irregularity. And
10 they believe it was serious enough not to count the
11 ballots. I don't know anything else about it.

12 Q In the Act 35 report, there is no mention
13 of the fact that in Philadelphia County there were
14 instances of double voting occurring on Election Day.
15 Correct?

16 A Yes. I'm not aware of that information
17 being provided in the Act 35 report.

18 Q But you were aware of that actually
19 occurring, correct? Wasn't that reported to you by
20 the Philadelphia county board of elections?

21 A I was aware that they had questions after
22 Election Day and had to do additional reconciliation,
23 because they believed that there might be cases where
24 somebody voted in person after casting an absentee or
25 mail-in ballot. A handful of cases.

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1 eight exclamation points. Correct?

2 A Yes. Jerry is very opinionated.

3 Q Have you or anybody in your office,
4 including the Secretary, had communications with the
5 legislature over changes to Act 77?

6 A I believe that the Department is frequently
7 in communication through our legislative liaison with
8 the legislature with potential changes to Act 77 or
9 even other portions of the election code. It's pretty
10 much a function of our legislative liaison.

11 Q Have you or anyone in your office,
12 including the Secretary, communicated with anyone from
13 the Joe Biden Presidential campaign, coming up for the
14 November 2020 election?

15 A I don't recall that I have communicated
16 with anyone from the Joe Biden campaign. We do
17 communicate and answer questions from both political
18 parties. Typically, they come through the state
19 committees, the two state committees.

20 Q How many people does the Department of
21 State estimate will vote by mail in the 2020 general
22 election?

23 A Well, if the June primary is a barometer,
24 this is a unique election cycle with COVID-19, so a
25 lot of it probably depends on exactly where we are at

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1 there.

2 But if June 2nd is the guide, we could see
3 upwards of 3 million. Somewhere between two and a
4 half and 3 million absentee and mail-in ballots cast
5 in the November election.

6 Q As an election official, do you have any
7 concerns that Pennsylvania's implementation of the
8 COVID crisis will be fraught with illegalities and
9 fraud?

10 A I don't. I don't have any reason to
11 believe that it will be fraught with fraud. We didn't
12 see that in the primary.

13 Certainly, it was not -- implementing and
14 administering an election, any election, in the middle
15 of a global pandemic presents unforeseen challenges.
16 And it is very difficult to administer that.

17 And I certainly will not claim that it was
18 a perfectly administered election. There were
19 certainly lessons learned. But I don't have any
20 significant thoughts that our counties are going to be
21 unable to conduct a free and fair election in
22 November.

23 Q What steps is the Department of State
24 taking to ensure third party delivery of non-disabled
25 voter ballots will not occur?